



23 MAY 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of	:	DECISION
GAZIT et al.	:	
Application No.: 10/574,789	:	
PCT No.: PCT/IL04/00301	:	
Int. Filing Date: 01 April 2004	:	
Priority Date: 03 April 2003	:	
Attorney Docket No.: 1553-US	:	
For: PHASED ARRAY ANTENNA FOR	:	
INDOOR APPLICATION	:	

This decision is in response to applicants' petition under 37 CFR 1.137(b) filed in the United States Patent and Trademark Office (USPTO) on 06 April 2006.

BACKGROUND

On 01 April 2004, applicants filed international application PCT/IL04/00301 which designated the U.S. and claimed a priority date of 03 April 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 14 October 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 03 October 2005.

On 20 March 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee, an assertion of small entity status, a declaration of inventors and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicants submitted the basic national fee on 06 April 2006.

As to item (2), applicants submitted the petition fee on 06 April 2006.

As to item (3), a statement from the relevant party or parties has not been provided. It is not clear whose delay is relevant in the present case. A statement by one of the applicants has been provided. If it is applicants' delay that is relevant and applicants are making the statement themselves, then all applicants must make the statement. The party whose delay is relevant may also be the assignee, if the application has been assigned, or applicants' representative. See MPEP § 711.03(c), item II.E. A statement from either (1) the relevant party or parties or (2) applicants' representative is required. Also, applicants' representative may make the statement even if he is not the relevant party pursuant to 37 CFR 10.18.

CONCLUSION

The petition under 37 CFR 1.137(b) is **DISMISSED**, without prejudice, for the reasons set forth above.

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file a proper response.

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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